

HOUSE BILL 2915

By Stanley

AN ACT, to amend Tennessee Code Annotated Title 54, Chapter 5, Part 1 relative to state highways.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION ONE. Tennessee Code Annotated, Title 54, Chapter 5, Section 136 is amended by deleting the present language of Subsection (a) in its entirety and substituting the following:

(a)(1) The department is authorized to remove, store, sell and dispose of personal property encroachments on the rights-of-way of highways under its jurisdiction at the expense of the owner.

(A) If the department considers the encroachment to present an immediate danger to the traveling public, the department may remove the encroachment without prior notice to the owner.

(B) If the encroachment does not present an immediate danger to the traveling public and the owner's name and address can be ascertained by reasonable inquiry, the department shall give the owner ten (10) calendar days notice of its intent to remove the encroachment at the owner's expense. That notice shall be

served by certified mail and the ten (10) days shall be counted beginning on the fourth day after the date of mailing.

(C) While personal property is encroaching on the right-of-way of a highway under the jurisdiction of the department, the owner of that personal property shall be liable for any damages caused to the department or to third parties by that encroaching property.

(2) The department does not have a duty to find and/or remove personal property encroachments on the rights-of-way under its jurisdiction.

SECTION TWO. This act shall take effect upon becoming a law, the public welfare requiring it.